

RECEIVED  
FEB 11 2021  
AT 8:30 AM  
WILLIAM T. WALSH M  
CLERK

Jeremy Hare

71667-050

P.O. Box 2000

FCI FORT DIX

FORT DIX, NJ 08640

United States of America : Case/Docket#

U.

: 1:18 CR -

: 00588-(RMB)

:

:

:

Jeremy Hare

: 2-5-21

\* \* \* EMERGENCY MOTION TO REDUCE  
SENTENCE PURSUANT TO 18  
U.S.C. § 3582 (c)(1)(A) \* \* \*  
ON AN EMERGENCY

\* \* \* RECONSIDERATION \* \* \*

COMES NOW, Jeremy Hare,  
Defendant's pro se motion  
to move this Honorable  
Court to Reconsider modifying  
his term of imprisonment  
to time served and impose  
a special condition that he  
serve a period of supervised

Release ON home confinement  
because the BOP Refuses  
to give MR. Hare the Vaccine  
FOR COVID-19 AND it is  
impossible FOR MR. Hare to  
protect himself from the  
Novel CORONAVIRUS at FCI  
FORT DIX.

Petitioner Relief is warranted  
in light of the "extraordinary and  
compelling" circumstances OF OVER  
1,500 inmates getting the VIRUS OF  
COVID-19, the warden losing  
his job because the warden  
didn't protect the inmates, the  
BOP Refuses to give MR. Hare  
the Vaccine, the new variant  
OF the COVID-19 VIRUS, and that  
it is impossible to Social  
Distance. YOUR HONOR, MR. Hare  
goes to Half Way House on  
August 10, 2021 which is 6  
months away. MR. Hare has  
test negative 10 times for  
the covid-19 virus and lives

in the ONLY building 581) that has NOT been infected ON THE ENTIRE COMPOUND which HOUSES the ONLY 300 men that haven't been INFECTED.

The Defendant Jeremy Hare respectfully requests that this court reduce his sentence to time served with immediate release from custody of the BOP pursuant to Section 603 of the First Step Act (FSA) of 2018 Pub. L. 115-219, 132 Stat. 5194 (2018) (Amending 18 U.S.C. § 3582 (c)(1)(A)(i)).

Extraordinary and compelling reasons warrant such a reduction. The BOP refuses to protect Mr. Hare (see attached Exhibit) by not offering Mr. Hare the vaccine and not allowing Mr. Hare to protect himself for the COVID-19 virus. Mr. Hare's sentence and such reductions

ARE CONSISTENT WITH APPLICABLE  
POLICY STATEMENTS ISSUED BY THE  
SENTENCING COMMISSION DUE TO  
THE COVID-19 PANDEMIC.  
THIS VERY HONORABLE COURT  
HAS ALREADY RULED IN THEIR  
1-25-21 OPINION THAT MR.  
HARF DOES IN FACT HAVE MEDICAL  
CONDITIONS, HAS IN FACT EXHAUSTED  
HIS BOP REMEDIES, AND THE  
BOP IS CERTAINLY PROTECTING  
MR. HARF'S MEDICAL NEEDS, AS  
CERTAINLY NOT BEING TAKEN CARE OF  
AS THERE IS NO MEDICAL ATTENTION  
AND AS FAR AS THE VACCINE  
GOES THE BOP'S POSITION VIA  
UNIT TEAM AND FORM BP-8 IS  
"YOU ARE CLASSIFIED AS A PRIORITY  
3 INMATE TO RECEIVE THE VACCINE  
(CDC CRITERIA). YOU WILL BE OFFERED  
ONE OF THE COVID-19 VACCINES ONCE  
YOUR PRIORITY LEVEL 3 REACHED. THE  
TIME LINE FOR YOU TO RECEIVE  
THE VACCINE IS DEPENDANT ON  
AVAILABILITY FROM CENTRAL OFFICE.

AND CDC" Yet the Government  
ASKED this Honorable court to  
believe them that the BOP IS  
IN FACT PROTECTING MR. HARVE SO  
MUCH THAT THE BOP HAS FIRED  
THE WARDEN, DAVID ORTIZ FOR  
HIS FAILURE TO PROTECT THE  
INMATES AND STOP THE SPREAD  
OF THE COVID-19 VIRUS. THIS  
COURT IS SAYING TO MR. HARVE  
BY NOT RELEASING HIM THAT  
BEING UNPROTECTED FOR THE NEXT  
6 MONTHS WITH THE WORLD HAVING  
A VACCINE IS ACCEPTABLE. IT IS  
THE SAME AS HAVING UNPROTECTED  
SEX WITH A KNOWN HIV POSITIVE  
PERSON. THE BOP HAS LIED  
COUNTLESS TIMES WITH THE  
NUMBERS THAT ARE POSITIVE  
AND DONE NOTHING TO PROTECT  
THE INMATES AS IT HAS COST  
ORTIZ HIS JOB. THE BOP  
IS ILL EQUIPED TO ADDRESS  
THE COVID-19 PANDEMIC  
AS SHOWN BY NOT OFFERING

MR. Hare the vaccine and leaving MR. Hare unprotected against COVID-19. MR. Hare has an approved viable release plan that will allow MR. Hare to self protect with Health Insurance and access to Doctors. MR. Hare is asking this Honorable Court to force the BOP to give MR. Hare the vaccine to protect himself or immediately release MR. Hare from the custody of the BOP so that he can get his own vaccine and not have a death sentence.

MR. Hare is scheduled to be released from BOP custody to the Re-entry Center on August 10, 2021, just 6

months from today. This

Honorable court has the

authority to release Mr. Hare

Dillon v. U.S. 560 U.S. 817, 825

(2010) the First Step Act  
(FSA) 18 U.S.C. § 3582(c)(1)(A)(i),  
permits district courts to grant  
compassionate release where  
there exists "extraordinary and  
compelling reasons" to reduce  
a sentence. As previously stated  
as agreed by the Government,  
MR. Hare has exhausted his  
BOP Remedies.

This Honorable court  
finds in the 1-25-2021 opinion,  
that the §3553 factors don't  
merit release but if MR. Hare  
doesn't get the vaccine even  
with his 2<sup>nd</sup> tier medical  
conditions he could die  
in custody of the BOP  
with only 6 months to  
go, thus MR. Hare feels  
the §3553 factors now  
weigh in his favor and  
he prays and hopes this  
Honorable court release  
MR. Hare to his family

in Florida where he can get the vaccine and self protect from Covid-19.

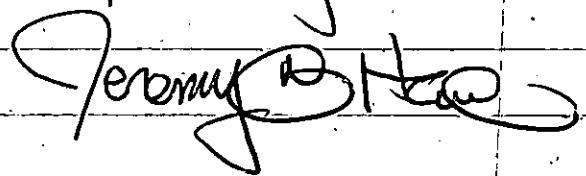
## Conclusion

MR. HARE ASKS this Honorable Court to either force the BOP to give MR. HARE the vaccine OR release MR. HARE under 18 U.S.C. § 3582 to his family in Florida which has been approved by the Probation Department. MR. HARE will be released from custody August 10, 2021 to halfway house which is literally 6 months away, (Attached Exhibit) from unit team with MR. HARE's release date. YOUR HONOR, I am speaking to you from my heart now. When you denied me for compassionate release on 1-25-21 I went

the very next day to unit team to get the vaccine to protect myself since the Government told this Honorable court the vaccine was available. I am going to be 50 years old on March 19, 2021, in just about a month. 191 men out of 271 men were on the list of my building to get the vaccine but I am not one of them. I was OK staying here at FORT Dix knowing that I could be safe and get the vaccine but now I have in writing I am not a "priority" to get the vaccine and in the next 6 months I could die. I ASK, plead, beg, and pray that this Honorable court force the BOP through an order to give me the vaccine OR release me to

My family in Florida where  
I can get the vaccine and  
self protect. Both of my  
parents who I would live  
with have been given the  
vaccine. I hope that you  
can order the BOP to  
give me the vaccine, assign  
a CJA to my case through  
an appointment OR release  
me to my family.

Respectfully Submitted



JEREMY HARE  
71667-DSO  
FCI FORT DIX  
P.O. Box 2000  
FORT DIX, NJ 08640

OPI: LEGAL DEPARTMENT  
 Number: FTD 1330.18  
 Date: November 18, 2014  
 Attachment: 1

FCI FORT DIX, NEW JERSEY  
 INFORMAL RESOLUTION FORM (BP-8)

You are advised that prior to receiving and filing a Request for Administrative Remedy Form BP-9, you MUST ordinarily attempt to informally resolve your complaint through your Correctional Counselor. Briefly state ONE complaint below and list what efforts you have made to resolve your complaint informally and state names of staff contacted.

Date form issued and initials of Correctional Counselor: NO 1/28/21

INMATE NAME Jeremy Harp  
 REGISTER NO. COA 71667-050  
 BLDG. 5811

Date the incident complained of occurred: Ongoing issue

Complaint and relief requested: I would like to get the Covid-19 vaccine since I have tested negative 10 or 11 times and can't self protect myself in this environment. Thank you.

CORRECTIONAL COUNSELOR:

Date BP-8 returned to Correctional Counselor: \_\_\_\_\_

Efforts made to informally resolve and staff contacted: You are classified as a Priority 3 inmate to receive the vaccine (CDC Criteria). You will be offered one of the Covid-19 vaccines once your priority level is reached. The time line for you to receive the vaccine is dependent on availability from central office.

Date response given to inmate: 2/4/21

S. Boyd Counselor (sign) CDC

Date BP-9 Issued: 2.4.21 Unit Manager (sign)

If complaint is NOT informally resolved: forward original attached to BP-9 form to the Legal Assistant.

Resubmitted on 2/4/21 - S. Boyd

Submitted on 1/28/21 - S. Boyd  
20 calendar days BPDA

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JEREMY HARE,

Petitioner

v.

Civil Action No. 20-14093(RMB)

DAVID ORTIZ, WARDEN,

Respondent

DECLARATION OF CHRISTOPHER PALM

I, Christopher Palm, do hereby declare and state as follows:

1. I am a Case Manager with the Federal Bureau of Prisons (the "Bureau"), Federal Correctional Institution, Fort Dix, New Jersey ("FCI Fort Dix"). I make this Declaration in connection with the Bureau's response to the petition for writ of habeas corpus filed by Petitioner Jeremy Hare, Reg. No. 71667-050, ("Petitioner").

2. I have been a Case Manager at FCI Fort Dix since September 2019. I am aware that Petitioner alleges he is eligible for Earned Time Credit under the First Step Act ("FSA") due to a number of courses completed while incarcerated. As his Case Manager, I am involved in Petitioner's Risk and Needs Assessment and assignment of relevant programs and activities in accordance with the FSA.

3. On December 2, 2019, Petitioner was found to be eligible to earn Earned Time Credits under 18 U.S.C. §3632(d), meaning he did not have a disqualifying offense under the statute. See Exhibit 3,

Inmate History, FSA, attached to Palm Declaration.

4. On December 11, 2019, his Risk and Needs Assessment was conducted. With respect to RISK, he was determined to be a Minimum risk for recidivism. In May 2020, he was re-reviewed and determined to be a Low risk for recidivism. Id.

5. With respect to the NEEDS assessment, the Bureau has listed the following Needs to be assessed for each inmate: Anger/Hostility, Finance/Poverty, Antisocial Peers, Medical, Cognitions, Mental Health, Dyslexia, Recreation/Leisure/Fitness, Education, Substance Abuse, Family/Parenting, Trauma and Work. See Exhibit 1, Memorandum for All CEOs, November 2019.

6. Petitioner was determined to have a NEED in Anger/Hostility, Work, Medical, Recreation/Leisure/Fitness and Parenting. See Exhibit 4, Inmate Profile. Petitioner does not have a NEED in any other category. Id. It should be noted that his NEED for Work was determined based on his loss of UNICOR employment. See Exhibit 7, Inmate History, Work. The loss of his UNICOR employment was due to his placement in the Special Housing Unit following an incident report for Code 108, Possession of a Hazardous Tool. See Exhibit 8, Inmate Discipline.

7. In order for an inmate to receive Earned Time Credit under the FSA, an inmate must successfully complete one of the BOP approved Evidence Based Recidivism Reduction ("EBRR") program or Productive Activities ("PA") related to one of the particular NEEDS assigned to that inmate. See Exhibit 2, Evidence-Based Recidivism Reduction

("EBRR") programs and Productive Activities ("PA"). In June 2020, Petitioner was placed on the wait-list for Anger Management, an approved EBRR, in order to meet his NEED in Anger/Hostility. See Exhibit 4. He has not commenced the program. Id. Petitioner was also recommended for a VT course, another EBRR, which would meet his NEED for Work. See Exhibit 6, Program Review. He is not currently enrolled in a VT program. Finally, Petitioner is currently participating in Phase Two of the Parenting program. See Exhibit 5, Inmate History, WASPB. In order to be eligible for credit, Petitioner must complete Phases one and two; therefore, he is not yet eligible for credit based on that EBRR. See Exhibit 2.

8. Petitioner has not completed any approved EBRR programs or PAs which would warrant application of Earned Time Credit at this time.

9. Petitioner has a Residential Reentry Center placement date of August 10, 2021. See Exhibit 4, Inmate Profile.

10. Attached hereto, please find true and correct copies of the following documents:

1. **Exhibit 1** - Memorandum for All CEOs, November 2019;
2. **Exhibit 2** - Evidence-Based Recidivism Reduction ("EBRR") programs and Productive Activities ("PA");
3. **Exhibit 3** - Inmate History, FSA;
4. **Exhibit 4** - Inmate Profile;
5. **Exhibit 5** - Inmate History, WASPB;

6. **Exhibit 6** - Program Review;
7. **Exhibit 7** - Inmate History, Work;
8. **Exhibit 8** - Inmate Discipline.

I declare that any and all records attached to this declaration are true and accurate copies maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.



Christopher Palm  
Case Manager  
FCI Fort Dix

10/22/2020  
Date

JUG 535.03 \*

PAGE 001

## INMATE PROFILE

\* 10-21-2020

10:19:37

71667-050

REG

REGNO: 71667-050

FUNCTION: PRT DOB/AGE.: [REDACTED] / 49

NAME.: HARE, JEREMY

R/S/ETH.: W/M/O WALSH: NO

RSP...: FTD-FORT DIX FCI

MILEAGE.: 908 MILES

PHONE: 609-723-1100 FAX: 609-724-7557

PROJ REL METHOD: GOOD CONDUCT TIME RELEASE

FBI NO.: [REDACTED]

PROJ REL DATE...: 02-01-2022

INS NO.: N/A

PAR ELIG DATE...: N/A

SSN....: [REDACTED]

PAR HEAR DATE...:

PSYCH: NO

DETAINER: NO CMC..: NO

OFFN/CHG RMKS: 1:18-CR-00588-RMB-1 /WIRE FRAUD 36MOS CBOP /3YRS SRT

FACL CATEGORY	CURRENT ASSIGNMENT	EFF DATE	TIME
FTD ADM-REL A-DES	DESIGNATED, AT ASSIGNED FACIL	08-13-2020	0746
FTD CARE LEVEL CARE1	HEALTHY OR SIMPLE CHRONIC CARE	06-14-2019	0809
FTD CARE LEVEL CARE1-MH	CARE1-MENTAL HEALTH	08-16-2019	1055
FTD COR COUNSL 5812 A-K	G.THOMSON, X-6648	08-18-2020	1415
FTD CASE MGT BIR CERT Y	BIRTH CERTIFICATE - YES	10-15-2020	1200
FTD CASE MGT CFSA	CERT FOOD SINCRETY APPROVAL	10-15-2020	1330
FTD CASE MGT CV-HC DENY	COVID HOME CONFINEMENT DENIAL	04-20-2020	1433
FTD CASE MGT DEPEND Y	DEPENDENTS UNDER 21 -- YES	10-15-2020	1109
FTD CASE MGT PHOTO ID N	PHOTO ID - NO	09-01-2020	1230
FTD CASE MGT RPP PART	RELEASE PREP PGM PARTICIPATES	09-04-2019	1354
FTD CASE MGT SSN CARD Y	SOCIAL SECURITY CARD - YES	10-15-2020	1200
FTD CASE MGT VET P/S N	PARENT/SPOUSE VETERAN - NO	01-14-2020	1155
FTD CASE MGT VETERAN N	VETERAN - NO	01-14-2020	1155
FTD CASE MGT VWP AUTO	VICTIM/WITNESS PGM AUTO UPDATE	05-09-2019	0645
FTD CASE MGT V94 COA913	V94 CURR OTHER ON/AFTER 91394	06-05-2019	0740
FTD CASE MGT V94 PV	V94 PAST VIOLENCE	05-09-2019	1231
FTD CASE MGT WA NO HIST	NO WALSH ACT OFFENSE HISTORY	05-08-2019	1553
FTD CASEWORKER 5812 A-K	C.PALM, X-6647	08-18-2020	1415
FTD CUSTODY IN	IN CUSTODY	07-21-2020	1522
FTD DRUG PGMS DAP NO INT	DRUG ABUSE PROGRAM NO INTEREST	09-09-2020	1428
FTD DRUG PGMS ED COMP	DRUG EDUCATION COMPLETE	07-15-2019	2100
FTD DRUG PGMS ED NONE	DRUG EDUCATION NONE	06-05-2019	0953
FTD DRUG PGMS NR COMP	NRES DRUG TMT/COMPLETE	12-11-2019	2100
FTD DESIG/SENT ECHO	TEAM ECHO	05-08-2019	1553
FTD DESIG/SENT FNJ YES	FNJ-FULLY COMPLIED W/JUD REC	05-09-2019	1249
FTD DESTNATION COR 4Y8	DISMAS CHARITIES OF ORLANDO-FL	08-10-2021	1709
FTD EDUCATION C BPRT101	READING BLUEPRINTS 101 - TPC	01-09-2020	0001
FTD EDUC INFO ESL HAS	ENGLISH PROFICIENT	06-22-2019	0841
FTD EDUC INFO GED HAS	COMPLETED GED OR HS DIPLOMA	06-22-2019	0841
FTD FIN RESP PART	FINANC RESP-PARTICIPATES	08-13-2019	1529
FTD FIRST STEP FTC ELIG	FTC-ELIGIBLE - REVIEWED	12-02-2019	1622
FTD FIRST STEP N-ANGER Y	NEED - ANGER/HOSTILITY YES	01-02-2020	1446
FTD FIRST STEP N-ANTISO N	NEED - ANTISOCIAL PEERS NO	12-04-2019	0911
FTD FIRST STEP N-COGNTV N	NEED - COGNITIONS NO	12-04-2019	0911
FTD FIRST STEP N-DYSLEX N	NEED - DYSLEXIA NO	07-31-2020	0938
FTD FIRST STEP N-FIN PV N	NEED - FINANCE/POVERTY NO	08-04-2020	1754
FTD FIRST STEP N-M HLTH N	NEED - MENTAL HEALTH NO	07-25-2020	0000
FTD FIRST STEP N-MEDICL Y	NEED - MEDICAL YES	10-19-2020	1158
FTD FIRST STEP N-RLF Y	NEED - REC/LEISURE/FITNESS YES	10-19-2020	1159

Half  
 Way  
 House  
 Release

G0017

WARNING : NOTIFICATIONS ARE REQUIRED PER P.S. 1490.06

G0022

MORE PAGES TO FOLLOW . . .

JEREMY HARE

71667-050

FCI FORT DIX

FORT DIX, NJ 08640



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FEB 11 2021

AT 8:30 M  
WILLIAM T. WALSH  
CLERK

Trenton P&DC NJ 086

MON 08 FEB 2021 PM

RECEIVED

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AT 8:30 M  
WILLIAM T. WALSH  
CLERK

Clerk of the COURT  
United States District Court  
District of New Jersey

Camden Vicinage  
Mitchell H. Cohen U.S. Courthouse  
400 Cooper Street

Room 1050  
Camden, NJ 08102